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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,325	03/04/2002	Ronald J. Perholtz	2540-550	6319

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EXAMINER

CARDONE, JASON D

ART UNIT PAPER NUMBER

2145

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,325

Applicant(s)

PERHOLTZ ET AL.

Examiner

Jason D Cardone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>3/29/05</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/31/01 (5)</u> | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims pending in the application are 1-21,123-128,136-140,144-162,165-170,172-183,186-190 and 193-246.

DETAILED ACTION

1. Claims 1-21, 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are pending for further prosecution.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Allowable Subject Matter

4. Claims 1-21 are allowed. As shown from previous reissue application 09/228,7478.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 123 discloses "operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection". The specification discloses the pop up menu but does not disclose pop-up screen causes the remote site to terminate the first connection and to establish a second connection. Claim 136 discloses "a remote access facility" and a "non-dedicated" channel, which are not disclosed in the specification. Claims 157 and 160 disclose a "reset operation" and "reset command", which are not disclosed in the specification. Claim 165 discloses "packetize" which is not disclosed in the specification. Claim 169 discloses "target" computer and "video digitizer", which are not within the specification. Claim 177 discloses a "video digitizer", "synchronize detect circuit", "clocking rate" and converter, which are not within the specification. Claim 186 discloses "network access device" which is not disclosed in the specification. Claim 193 discloses "hardware host unit" and "remote computer software

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utility", which are not within the specification. Claim 194 discloses a converter, which is not disclosed in the specification. Claim 204 discloses video raster signal "independently", which is not within the specification. Claim 211 discloses a "remote access engine", a "field programmable gate array" and "video sync processing", which are not taught by the specification. Claim 212 discloses a "standard remote access engine", which is not disclosed in the specification. Claim 213 discloses a "TTL converter", which is not disclosed in the specification. Claim 220 discloses a "remote access engine" and "set of circuit modules", which are not taught by the specification. Claim 222 discloses a "remote access engine", which is not taught by the specification. Claim 227 discloses a "converter" and multiple "gate array", which are not taught by the specification. Claim 239 discloses a "flash palette converter circuit", which is not taught by the specification. Claim 241 discloses "distantly located" and a "switch", which are not taught by the specification. Claim 243 discloses "real time" video signals and "mouse synchronizer", which are not taught by the specification. Claim 246 discloses a "mouse capture circuit" and "mouse adjustment process", which are not taught by the specification. Therefore, claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claim 165 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 165 recites the limitation "the remote user" in the keyboard and mouse limitations. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected under 35 U.S.C. 102(e) as being anticipated by Fitzgerald et al ("Fitzgerald").
11. Regarding claim 123, Fitzgerald discloses a computer monitoring system comprising: plural host computer sites, each host computer site having at least one host computer, the at least one host computer including a host processor, a host input device, and a host display device [Fitzgerald, col. 2, line 59 – col. 3, line 67]

a remote processor situated at a remote site, the remote processor having a remote display device and a remote input device connected thereto; a network linking the remote site and each of the plural host computer sites, the network facilitating a first connection between a first selected host computer at a first host computer site and the remote site, and during the first connection either: transmitting screen data from the host display device of the first selected host computer to the remote display device, and transmitting input signals from the remote input device to the first selected host computer for controlling the first selected host computer [Fitzgerald, col. 4, line 33 – col. 5 line 32 and col. 7, line 17-63];

an on-screen display process, execution of the on-screen display process at the remote site providing a pop-up screen on the remote display device, the pop-up comprising a menu identifying the host computers at the plural host computer sites, the pop-up screen at least overlaying the video appearing on the remote display device as a result of the first connection; whereupon operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection between a second selected host computer and the remote site [Fitzgerald, col. 7, lines 3-63, col. 8, lines 42-67 and col. 12, line 62 – col. 13, line 65].

12. Regarding claim 124, Fitzgerald further discloses the second selected host computer is situated at a second host computer site [Fitzgerald, col. 4, line 33 – col. 5 line 32.

13. Regarding claims 125-128, Fitzgerald further discloses at least one of the plural host computer sites comprises a network of host computers, wherein at least one of the plural host computer sites comprises a daisy chained configuration of host computers, the daisy chain configuration including a host unit associated with each of the host computers, wherein for each of the host computers the host unit is connected between the host computer and a source of power for the host computer, and wherein upon receipt of the cold boot command from the remote site the host unit temporarily interrupts power to the host processor of the host computer [Fitzgerald, col. 7, lines 17-63] and col. 12, lines 26-61].

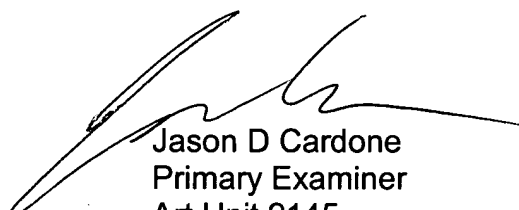
14. Regarding claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246, claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 have similar limitations as disclosed in claims 123-128. Therefore, the similar limitations are disclosed under Fitzgerald for the same reasons set forth in the rejection of claims 123-128 [Supra 123-128].

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone
Primary Examiner
Art Unit 2145

March 29, 2005